

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

ABDIQAFAR WAGAFE, *et al.*, on behalf  
of themselves and others similarly situated,

Plaintiffs,

v.

DONALD TRUMP, President of the  
United States, *et al.*,

Defendants.

No. 2:17-cv-00094-RAJ

**DECLARATION OF PAIGE WHIDBEE  
IN SUPPORT OF PLAINTIFFS'  
SUPPLEMENTAL BRIEF RE  
OUTSTANDING DISCOVERY DISPUTES**

I, Paige Whidbee, hereby declare:

1. I have personal knowledge of the facts stated below and am competent to testify regarding the same. I am one of the attorneys for Plaintiffs in this matter, *Wagafe v. Trump*, No. 17-cv-00094 RAJ.

2. Following the parties' hearing and this Court's Order on May 14, 2020 (Dkt. 355), Plaintiffs and Defendants have met and conferred extensively on several occasions regarding disputed redactions in the Named Plaintiffs' A-Files and in the 41 policy documents withheld under the law enforcement and deliberative process privileges (subject to Plaintiffs' two prior motions to compel—Dkts. 312 and 316). This process has not resolved the parties' disputes. As a result, in Plaintiffs' last Status Report filed on June 26, 2020 (Dkt. 372), Plaintiffs

1 requested that they be permitted to file a Supplemental Brief regarding these and other  
2 outstanding discovery issues (including Defendants' privilege clawbacks).

3 3. Through the course of the meet-and-confer process, Defendants informally re-  
4 produced select pages in Named Plaintiffs' A-Files and the 41 policy documents. But Defendants  
5 did not re-produce pages in response to all of Plaintiffs' redaction challenges, and most of the re-  
6 produced pages still contain significant redactions.

7 4. After reviewing the documents, Defendants' privilege logs, and Defendants'  
8 explanations for the redactions provided during the meet-and-confer process, Plaintiffs have  
9 culled the list of policy documents with redactions they challenge down to 31 documents, and  
10 have significantly reduced the number of redactions they challenge within each document. The  
11 redactions Plaintiffs challenge are:

12	DEF-00004010 PDF Pages 3-8.
13	DEF-00021130 PDF Pages 70, 72-75, 77-78, 127-28, and 179.
14	DEF-00044548 PDF Pages 65, 74-78, 84, 89-91, and 114.
15	DEF-00044891 (all redactions)
16	DEF-00052177 PDF Pages 79-80, 115-20, and 164.
17	DEF-0074376 (all redactions)
18	DEF-00095009 PDF Pages 23-25.
19	DEF-00096541 PDF Pages 1-5.
20	DEF-00096701 PDF Pages 1-5.
21	DEF-00116759 PDF Pages 113, 122, 129-31, 134, 137, and 176.
22	DEF-00132598 PDF Pages 12, 18-22.
23	DEF-00174739 PDF Pages 1-3.
24	DEF-00181890 PDF Page 5.
25	DEF-00181912 PDF Pages 1-4.
26	

1	DEF-00184286 PDF Page 1, and 3-4.
2	DEF-00184291 PDF Pages 1-3.
3	DEF-00184306 PDF Pages 1-4.
4	DEF-00261633 PDF Pages 2-7.
5	DEF-00261640 PDF Pages 1-2.
6	DEF-00262748 PDF Pages 1-4.
7	DEF-00262793 PDF Page 1.
8	DEF-00262796 PDF Pages 1-3.
9	DEF-00262802 PDF Pages 1-4.
10	DEF-00263389 PDF Pages 1-2.
11	DEF-00266453 PDF Pages 1-2.
12	DEF-00267420 PDF Pages 1-2.
13	DEF-00280914 PDF Pages 5 and 7.
14	DEF-00285830 PDF Pages 1-10.
15	DEF-00329296 PDF Pages 7-8.
16	DEF-00373850 (Index 22) PDF Page 121.
17	DEF-00429220 PDF Pages 31, 99, 103, 106-08, 110-112, 118, 124,
18	136-141, 153, 166-67, 191, 193-94, 211, 224, and 244-49.

19  
20 5. Attached as **Exhibit A** is a true and correct copy of a spreadsheet from the  
21 corrected data for FY 2013 through FY 2019 that Defendants produced on June 12, 2020.

22 6. Attached as **Exhibit B** is a true and correct copy of an excerpt of the transcript  
23 from the deposition of Matthew Emrich taken on January 8, 2020.

24 7. Attached as **Exhibit C** is a true and correct copy of another excerpt of the  
25 transcript from the deposition of Matthew Emrich taken on January 8, 2020.

1           8.       Attached as **Exhibit D** is a true and correct copy of an excerpt of the transcript  
2 from the deposition of Christopher Heffron taken on December 12, 2019.

3           9.       Attached as **Exhibit E** is a true and correct copy of an excerpt of the transcript  
4 from the deposition of Amy Lang taken on January 30, 2020.

5           10.      Attached as **Exhibit F** is a true and correct copy of excerpts of Named Plaintiff  
6 Mehdi Ostadhassan's A-File.

7           11.      Attached as **Exhibit G** is a true and correct copy of a memorandum obtained  
8 through FOIA.

9           12.      Attached as **Exhibit H** is a true and correct copy of excerpts of Mehdi  
10 Ostadhassan's A-File and T-File. Defendants informally re-produced the excerpts shown on  
11 pages 1, 17, and 18 of the Exhibit to replace, respectively, DEF-00422494 and DEF-00422548  
12 from Mehdi Ostadhassan's A-File and DEF-00427239 from Mehdi Ostadhassan's T-File.

13          13.      Attached as **Exhibit I** is a true and correct copy of excerpts of Named Plaintiff  
14 Sajeel Manzoor's A-File. Defendants informally re-produced pages 3 and 4 of the Exhibit to  
15 replace, respectively, DEF-00421406 and DEF-00421846.

16          14.      Attached as **Exhibit J** is a true and correct copy of excerpts of Sajeel Manzoor's  
17 A-File. Defendants informally re-produced page 1 of the Exhibit to replace DEF-00421887.

18          15.      Attached as **Exhibit K** is a true and correct copy of an excerpt of Hanin Bengezi's  
19 A-File.

20          16.      Attached as **Exhibit L** is a true and correct copy of an excerpt of Named Plaintiff  
21 Hanin Bengezi's A-File.

22          17.      Attached as **Exhibit M** is a true and correct copy of excerpts of Hanin Bengezi's  
23 A-File. Defendants informally re-produced pages 4, 10, 11-14, and 15 of the Exhibit to replace,  
24 respectively, DEF-00420706, DEF-0042713, DEF-0042726-29, and DEF-00420582.

1           18. Attached as **Exhibit N** is a true and correct copy of excerpts of Hanin Bengezi's  
2 A-File. Defendants informally re-produced all pages of the Exhibit to replace  
3 DEF-00420595-610.

4           19. Attached as **Exhibit O** is a true and correct copy of an excerpt of the transcript  
5 from the deposition of Hanin Bengezi taken on February 6, 2020.

6           20. Attached as **Exhibit P** is a true and correct copy of the document introduced as  
7 Exhibit 3 during the deposition of Hanin Bengezi taken on February 6, 2020.

8           21. Attached as **Exhibit Q** is a true and correct copy of an excerpt of Named Plaintiff  
9 Abdiquafar Wagafe's A-File. Defendants informally re-produced page 3 of the Exhibit to replace  
10 DEF-00422758.

11           22. Attached as **Exhibit R** is a true and correct copy of excerpts of Abdiquafar  
12 Wagafe's A-File. Defendants informally re-produced pages 1, 2, and 9 of the Exhibit to replace,  
13 respectively, DEF-00422831, DEF-00422791, and DEF-00422761.

14           23. Attached as **Exhibit S** is a true and correct copy of an excerpt of the transcript  
15 from the deposition of Named Plaintiff Noah Abraham (formerly known as Mushtaq Jihad) taken  
16 on February 5, 2020.

17           24. Attached as **Exhibit T** is a true and correct copy of an excerpt of Noah  
18 Abraham's A-File. Defendants informally re-produced page 1 of this Exhibit to replace  
19 DEF-00421024.

20           25. Attached as **Exhibit U** is a true and correct copy of excerpts of Noah Abraham's  
21 A-File. Defendants informally re-produced pages 9 and 14-15 of the Exhibit to replace,  
22 respectively, DEF-00421306 and DEF-00421320-21.

23           26. Attached as **Exhibit V** is a true and correct copy of an excerpt of a version of  
24 Noah Abraham's A-File obtained through FOIA.

25           27. Attached as **Exhibit W** is a true and correct copy of an excerpt of Noah  
26 Abraham's A-File.

1           28. Attached as **Exhibit X** is a true and correct copy of an excerpt of Noah  
2 Abraham's A-File.

3           29. Attached as **Exhibit Y** is a true and correct copy of an excerpt of Sajeel  
4 Manzoor's A-File.

5           30. Attached as **Exhibit Z** is a true and correct copy of an excerpt of Sajeel  
6 Manzoor's A-File.

7           31. Attached as **Exhibit AA** is a true and correct copy of an excerpt of Hanin  
8 Bengezi's A-File. Defendants informally re-produced this Exhibit to replace DEF-00420713.

9           32. Attached as **Exhibit BB** is a true and correct copy of excerpts of Sajeel  
10 Manzoor's A-File.

11           33. Attached as **Exhibit CC** is a true and correct copy of an excerpt of Hanin  
12 Bengezi's A-File. Defendants informally re-produced all pages of this Exhibit to replace  
13 DEF-00420636-59.

14           34. Attached as **Exhibit DD** is a true and correct copy of an Executive Summary of  
15 USCIS policy obtained through FOIA.

16           35. Attached as **Exhibit EE** is a true and correct copy of Defendants' Fifth Set of  
17 Supplemental Initial Disclosures, produced to Plaintiffs on July 2, 2020.

18           36. Attached as **Exhibit FF** is a true and correct copy of PDF pages 1 and 23-25 of  
19 document DEF-00095009. Defendants informally reproduced these pages to replace  
20 DEF-00095009 and DEF-00095031-33.

21           37. Attached as **Exhibit GG** is a true and correct copy of PDF pages 1 and 18-22 of  
22 document DEF-00132598. Defendants informally reproduced these pages to replace  
23 DEF-00132598 and DEF-00132615-19.

24           38. Attached as **Exhibit HH** is a true and correct copy of PDF pages 1 and 176 of  
25 document DEF-00116759. Defendants informally reproduced these pages to replace  
26 DEF-00116759 and DEF-00116934.

1           39. Attached as **Exhibit II** is a true and correct copy of PDF pages 1 and 121 of  
2 document DEF-00373850. Defendants informally reproduced these pages to replace  
3 DEF-00373850 and DEF-00373970.

4           40. Attached as **Exhibit JJ** is a true and correct copy of PDF pages 136-140 of  
5 document DEF-00429220. Defendants informally reproduced these pages to replace  
6 DEF-00429355-59.

7           41. Attached as **Exhibit KK** is a true and correct copy of PDF pages 1 and 72-75 of  
8 document DEF-00044548. Defendants informally reproduced these pages to replace  
9 DEF-00044548 and DEF-00044548.0074-.0077.

10          42. Attached as **Exhibit LL** is a true and correct copy of PDF pages 1-5 of document  
11 DEF-00096541. Defendants informally reproduced these pages to replace DEF-00096541-45.

12          43. Attached as **Exhibit MM** is a true and correct copy of PDF pages 1-5 of  
13 document DEF-00096701. Defendants informally reproduced these pages to replace  
14 DEF-00096701-05.

15          44. Attached as **Exhibit NN** is a true and correct copy of the document introduced as  
16 Exhibit 93 during the deposition of Kevin Quinn taken on January 31, 2020. The portions of this  
17 Exhibit that Defendants seek to claw back are highlighted.

18          45. Attached as **Exhibit OO** is a true and correct copy of an excerpt of the transcript  
19 from the deposition of Matthew Emrich taken on January 8, 2020. The portions of this Exhibit  
20 that Defendants seek to claw back are highlighted.

21          46. Attached as **Exhibit PP** is a true and correct copy of an excerpt of the transcript  
22 from the deposition of Amy Lang taken on January 20, 2020. The portions of this Exhibit that  
23 Defendants seek to claw back are highlighted.

24          47. Attached as **Exhibit QQ** is a true and correct copy of an excerpt of the transcript  
25 from the deposition of Kevin Quinn taken on January 31, 2020. The portions of this Exhibit that  
26 Defendants seek to claw back are highlighted.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Paige Whidbee

DECLARATION OF PAIGE WHIDBEE ISO  
PLAINTIFFS' SUPPLEMENTAL BRIEF  
(No. 2:17-cv-00094-RAJ) – 8

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EXHIBITS A-SS  
FILED UNDER SEAL